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SUBJECT: GEORGIA: SCENESETTER FOR DEMOCRACY WORKING GROUP

Classified By: AMBASSADOR JOHN R. BASS REASONS: 1.4 (B) AND (D).

11. (C) Summary. The holding of this first Democracy Working Group as envisioned by the U.S.-Georgia Strategic Partnership Charter is greatly anticipated and will be closely followed by the Georgian Government, opposition leaders, and civil society. The Georgian delegation will be anxious to discuss U.S. assistance under the rubric of strengthening and furthering democratic processes and institutions in the country. In a parallel meeting prior to the working group, opposition leaders and civil society representatives will provide the non-governmental assessment on the current state of democracy and reform, and deliver their message that the U.S. and international community needs to do more. Specifically, they will raise the importance of U.S. support to strengthen civil society, establish a freer media environment, and foster increased political pluralism. Both sides will be watching closely for clues to any adjustments in U.S. policy toward Georgia. End Summary.

#### Historical Backdrop

12. (C) The November 2003 parliamentary election results which were widely condemned as grossly fraudulent became the rallying call for the then-opposition, led by Mikheil Saakashvili, and the impetus for the Rose Revolution. In January 2004, the first post-revolution elections, Saakashvili won the presidency, taking 96 percent of the vote. Saakashvili and his team, made up in large part of western educated, former civil society activists, quickly went about transforming Georgia from a virtually failed state to a leader in democratic and economic reforms in the post-Soviet space. Within a short period, Saakashvili also oversaw major improvements in basic infrastructure, including providing 24-7, on-demand energy throughout the country. He fought corruption head on, disbanding and completely restructuring the notoriously corrupt traffic police force. He moved to control organized crime by arresting or chasing into exile numerous mafia-linked businessmen. In order to accomplish these wide ranging reforms, Saakashvili consolidated power in the executive branch. This consolidation of power drew criticism from some of Saakashvili's former allies as quickly as 2004. While the reality of Georgia post-Rose Revolution might have necessitated consolidating power, now nearly six years later, power has yet to diversify. This tightly centralized grasp on power is the principal complaint lobbied against the Saakashvili regime, as the balance of power between the branches of the government remains deeply skewed. Since 2004, a number of Saakashvili's former allies have become harsh critics and have joined the opposition.

#### November 7, 2007 and Aftermath

13. (C) By November 2007, Saakashvili's astronomical levels of support had naturally eroded over time, and he was being openly challenged by billionaire oligarch, Badri Patarkatsishvili. Patarkatsishvili controlled Imedi TV, a channel that had an editorial policy of opposition to

Saakashvili and his government. (Embassy Comment: Patarkatsishvili's democratic credential were paltry at best. He was best known for making a fortune in Russia under Yeltsin and his close relationship with Boris Berezovskiy with whom most of his assets were commingled. End Comment.) The GoG decision to use force to disband relatively small, peaceful demonstrations on November 7, 2007 led to political crisis. The GoG also took over and shut down Imedi TV and Qcrisis. The GoG also took over and shut down Imedi TV and accused Badri Patarkatsishvili of planning a coup d'etat. The moves were met with both significant internal and foreign criticism prompting President Saakashvili to resign and call for new presidential and parliamentary elections.

#### Elections in 2008 Return Misha to Power

14. (C) Saakashvili easily won reelection as president in January 2008 gaining over 50 percent of the vote in elections that were deemed to have been consistent with democratic elections by the OSCE and other organizations. United Opposition candidate Levan Gachechiladze came in second with 27 percent but Gachechiladze did win Tbilisi. Although the opposition decried the results and claimed widespread fraud, the Embassy's own internal evaluation revealed that Saakashvili did indeed receive over 50 percent of the vote; thereby avoiding a second round runoff despite opposition claims. Parliamentary elections in May 2008 returned an overwhelming United National Movement (Saakashvili's party) victory claiming 59 percent of the vote. The electoral system of allowing 75 single mandate seats and 75 allotted on the basis of proportional representation meant that the UNM won 119 of 150 seats and maintains a constitutional majority in Parliament. The United Opposition won 18 percent of the

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vote and 17 seats of which only 3 leaders accepted their mandate. Two other opposition members won direct mandate districts. The Christian Democratic Party won 9 percent of the vote and have 6 seats in Parliament. The Labor party won 7 percent and also received 6 seats. Labor MPs have accepted their mandates, but do not participate in Parliament.

#### The War and the Second Wave of Democratic Reform

15. (C) In 2008, tensions between the Georgians and Russians escalated during the spring and summer and continued to do so until events finally boiled over into open conflict on August 7, 2008, resulting in declarations of independence by South Ossetia and Abkhazia, recognized by Russia and a few others. Despite the cease-fire agreement, Russian troops advanced and consolidated their positions well outside of the defined conflict areas. In the aftermath of the war (and likely as a proximate cause), Saakashvili took the initiative to launch a "second wave of democratic reform" which he officially announced in his September 2008 speech at UNGA. In various subsequent speeches to parliament and international bodies, Saakashvili said that the GoG would work to amend the constitution to provide for a more balanced system, strengthen Parliament and the judiciary vis-a-vis the executive; institute penal reform; support electoral reform including revising the electoral code and agree to direct elections of mayors; encourage political pluralism and party development; allow for opposition participation in state structures; and facilitate a more free and pluralistic media environment.

16. (C) The GoG made tangible democratic progress in a number of areas but encountered little enthusiasm from the non-parliamentary opposition to engage in substantive talks. Nevertheless, the GoG unilaterally approved additional political party funding, NGO funding, announced its intention to hold a constitutional commission to discuss amendments, announced its willingness to participate in an electoral group (facilitated by NDI) to reform the election code, and agreed to advance local elections to include (at a minimum) the direct election of the mayor of Tbilisi. Despite these

moves, the non-parliamentary opposition prepared for large protests in April 2009 and rejected any calls for dialogue saying they would only negotiate Saakashvili's resignation.

#### Failed Protests - A Window of Opportunity

17. (C) Non-parliamentary opposition leaders held a hundred days of protests which initially drew about as many as 40,000 demonstrators on April 9, and a peak crowd of roughly 60,000 on May 26 for Georgian Independence Day. A decision to block main roads with makeshift cells (symbolizing the undemocratic environment) due to a general inability to attract significant crowds of protesters for daily protests (crowds generally were no more than 1-2000 at daily events) further diminished support for the non-parliamentary opposition, which had no coherent vision for the country. The GoG received high marks for its restraint in dealing with the demonstrators, and largely succeeded in its goal to remove politics from the street. The discrediting of the protest leaders and protests has provided Saakashvili with the opportunity to be the first Georgian President to serve out his term and be replaced via a normal scheduled election. (Embassy Note: Saakashvili is term limited from running for another term in the scheduled 2013 presidential elections and Qanother term in the scheduled 2013 presidential elections and has publicly pledged not to seek a way to run again. End Note.) More moderate non-parliamentary opposition leaders, such as former Georgian Ambassador to the UN, Irakli Alasania (Free Democrats - United Georgia) and his allies have decided to join a newly-formed Electoral Law Working Group and Constitutional Committee and engage with the GoG in substantive policy questions. More radical -- and less popular -- non-parliamentary opposition leaders like former Speaker of Parliament, Nino Burjanadze (Democratic Movement - United Georgia) reject dialogue and have remained out of the public eye since the spring protests.

#### Is the Window Slipping Away?

18. (C) With the opposition off the streets and the major players engaged, the GoG appears to have gained the political environment it desired to conclude meaningful democratic reform through negotiation with moderate opposition stakeholders. President Saakashvili promised further democratic reforms in his addresses to Parliament in February and July of 2009, and subsequently to the UN General Assembly in September of 2009, but little tangible progress has been made. The passing of the new Criminal Procedure Code by Parliament in September was also a positive step; however, progress on the Election Code, Constitution and other initiatives have slowed. Some recent actions cast doubt as to

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how committed Saakashvili and his government are to fostering political pluralism and democratic development. Investigations into acts of violence against protesters and political opposition have been only cursory in nature and led to no arrests, administrative punishments or prosecutions, while every known incident involving government officials was quickly processed leading to numerous arrests and prosecutions. A recent GoG decision outside of the framework of the Electoral Law Working Group to increase the number of districts in Tbilisi from six to thirty essentially creates incumbents prior to the May 2010 elections. Additionally, this expansion of "administrators", who are to be given ample budgetary resources with an unclear mandate only six months ahead of local elections in Tbilisi, raises serious questions as to the GoG's intentions regarding the use of administrative resources to influence local elections. Finally, credible reports of government harassment of businesses and opposition activists have been increasing.

#### Opposition/Civil Society Parallel Meeting

19. (C) During the parallel roundtable, leading opposition politicians and civil society/media representatives will

present different views on the current state of democratic development in Georgia ranging from more moderate assessments to assessments which paint a very bleak picture of Georgian democracy and development. The group will consist of about ten participants, non-parliamentary and parliamentary opposition leaders, and NGO representatives. USG representatives will want to highlight the USG's commitment to democratic development in Georgia and USG support for civil society and political pluralism. USAID is currently developing programs to enhance civil society and the media's role and ability to act as a responsible player in developing democratic society and expect NGOs to continue their development into constructive non-partisan institutions.

#### Democracy Working Group

¶10. (C) At the Democracy Working Group, the GoG is expected to stress its commitment to democratic reform as well as an assessment of its current plans to further democratic development as well as past successes. The group will be chaired by Deputy Foreign Minister Giga Bokeria and co-chaired by Deputy Interior Minister Eka Zguladze. The Georgian side will likely acknowledge extensive USG assistance for democratic development and explore ways to further democratic cooperation. They will also likely highlight Georgia's significant security concerns and the context in which these concerns play in democratic development. It is an opportunity for the USG to praise Georgia's significant democratic development since the Rose Revolution but also note that Georgia still faces significant democratic development challenges to reach its goal of being considered a modern European style democratic state. Democratic development remains Georgia's best option to obtain long term stability and regain its occupied territories.  
BASS